

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

**FILED**  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENN.

OCT 24 2022

UNITED STATES OF AMERICA

v.

OSCAR DELGADO FLORES  
a/k/a "Flaco"

No. 3:18-00200

18 U.S.C. § 1962(d)

Judge Richardson

  
DEPUTY CLERK

**SUPERSEDING INFORMATION**

The defendant having waived in open court prosecution by indictment, the United States Attorney for the Middle District of Tennessee charges that:

COUNT ONE

(Racketeering Conspiracy)

Introductory Allegations

1. At all times relevant to this Superseding Information, in the Middle District of Tennessee, and elsewhere, **OSCAR DELGADO FLORES, a/k/a "Flaco,"** and others known and unknown, were members and associates of an organization engaged in, among other things, acts involving murder, kidnapping, drug trafficking, robbery, extortion, money laundering, and witness tampering. At all relevant times, this organization, known as *La Mara Salvatrucha*, also known as "MS-13" (hereinafter "MS-13"), operated in the Middle District of Tennessee and elsewhere. MS-13, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, which engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

### The MS-13 Enterprise

2. MS-13 is a violent international street gang operating in the Middle District of Tennessee and elsewhere. The gang's membership is composed largely of individuals of Salvadoran and Central American descent.

3. MS-13 originated in Los Angeles, California, in the 1980s. Over time, MS-13 members expanded the gang's presence to El Salvador, where the gang flourished, and across Central America and Mexico. MS-13 also spread throughout the United States, particularly in areas with sizeable Central American populations, including parts of North Carolina, Virginia, Maryland, New Jersey, New York, Massachusetts, and Tennessee.

4. MS-13's national and international leadership is concentrated primarily in California and El Salvador. Many of these high-ranking MS-13 members are incarcerated and participate in the gang's affairs by using contraband cellular telephones.

5. MS-13 is organized into a series of sub-units, or "cliques," that operate in specific geographic locations. Although each clique has its own internal traditions, all MS-13 cliques adhere to the same basic structure, customs, protocols, and objectives. According to MS-13 rules, any act committed in furtherance of a clique is, by definition, committed in furtherance of MS-13 as a whole.

6. Each clique is controlled by a single leader, sometimes known as the "First Word," "Primera Palabra," or "Palabrero." The First Word is responsible for, among other things, supervising a clique's activities, authorizing and assigning gang members to carry out violent acts, and disciplining gang members. A clique's leadership often includes at least one deputy, sometimes known as the "Second Word," who consults with the First Word and weighs in on planned gang activity.

7. Sometimes, MS-13 cliques within a particular geographical area are grouped together into a regional organization known as a “program.” For example, numerous MS-13 cliques located on the East Coast of the United States are part of the “East Coast Program.”

8. Individuals who associate and commit crimes with the gang are called “paisas,” “paros,” or “observaciones.” Individuals who are attempting to join the gang are called “chequeos,” or “cheqs.” Chequeos undergo a probationary period during which they are required to commit crimes on behalf of MS-13 to garner trust and prove their loyalty to the gang. To join MS-13 and become full members or “homeboys,” prospective members are required to complete an initiation process, often referred to as being “jumped in” or “beat in” to the gang. During that initiation, other members of MS-13 will beat the new member, usually until a gang member is finished counting aloud to the number thirteen, representing the “13” in MS-13.

9. MS-13 members demonstrate their affiliation with the gang in various ways, including: wearing blue and white clothing, hats, bandanas, and other accessories in reference to the Salvadoran flag, or Los Angeles Dodgers apparel in reference to the city of the gang’s founding; displaying tattoos signifying membership in a particular clique, or in MS-13 generally; and using a system of verbal codes and hand signals to communicate with each other. Some MS-13 members have chosen not to have tattoos or to have them placed on areas where they can be easily covered, such as the hairline, in order to conceal their gang affiliation from law enforcement.

10. MS-13 members are required to follow various rules. In most cases, gang members who violate the rules are punished with a beating, a practice commonly referred to as “corte” or “calenton.”

11. Cooperation with law enforcement is strictly prohibited under MS-13’s rules. It is well understood within the gang that anyone who assists the authorities will be punished with death, and that the gang honors those who have killed police informants.

12. When a disloyal and/or disobedient gang member is ordered to be killed, he is said to be “green lighted.” Obtaining a “green light” typically requires the authorization of a clique leader and, in some cases, approval from gang leaders in California or El Salvador.

13. When preparing to kill disloyal and/or disobedient gang members, MS-13 cliques often assign gang members to follow, or “watch,” the targeted individuals to learn their patterns and movements, enabling the gang to carry out the murders at opportune times, without alerting law enforcement.

14. MS-13 cliques fund their activities in part through the payment of dues by its members. Under this scheme, MS-13 members are required to make regular tribute payments to their respective cliques. A portion of this money is typically kicked back to gang leaders in California or El Salvador, or to leaders of a program. The remainder of the money is typically used to purchase firearms and other weapons for use in violent acts, to purchase drugs for redistribution, to support incarcerated gang members, or to finance other gang-related activity. Failure to make timely rent payments is considered to be a violation of gang rules, generally punishable by a beating.

15. Sometimes, MS-13 cliques will also extort legitimate and illegitimate businesses operating in the gang’s territory, threatening the business owners and/or their family members with violence if they do not make payments to MS-13.

16. MS-13 members meet regularly to discuss gang activity. At these meetings, sometimes referred to as “misas,” “masses,” or “church,” members of a clique discuss their recent criminal activities and plan future violent acts. The First Word and/or their deputies preside over the meetings, lead discussions, and issue orders.

17. One of MS-13’s primary goals is to destroy its rival gangs, which vary depending on location, but generally include the 18th Street Gang, Brown Pride, and the Latin Kings. Gang

rules require that MS-13 members confront, fight, and/or kill rival gang members when possible. MS-13 members sometimes refer to rival gang members using derogatory names, including “chavalas” (for any rival gang member) and “panoyas” (for 18th Street members).

18. MS-13 retaliates quickly and viciously against anyone who disrespects or threatens the gang’s authority, power, reputation, or control of a neighborhood. Within MS-13, participation in criminal activity by a member or associate, particularly violent acts directed at rival gangs or as directed by gang leadership, increases the respect accorded to that member or associate, results in that member or associate maintaining or increasing their position in the gang, and could result in a promotion to a leadership position.

19. One of the MS-13 cliques that operates in the Middle District of Tennessee is the Thompson Place Locos Salvatrucha, also known as “TPLS.” The Thompson Place Locos Salvatrucha clique and its leaders, members, and associates adhere to the same basic structure, customs, protocols, and objectives shared by other MS-13 cliques, as described above.

#### Purposes of the Enterprise

20. The purposes of the MS-13 enterprise, including its members and associates, include, but are not limited to, the following:

- a. Preserving and protecting the power, territory, reputation, and profits of the enterprise through the use of intimidation, threats of violence, and violence, including assaults and murder;
- b. Promoting and enhancing the enterprise and the activities of its leaders, members, and associates, including, but not limited to, murder, extortion, drug trafficking, and other criminal activities;
- c. Keeping victims, potential victims, and community members in fear of the enterprise through violence and threats of violence;

d. Providing financial support and information to gang leaders, members, and associates, including individuals incarcerated in the United States and in El Salvador;

e. Providing assistance to gang leaders, members, and associates who committed crimes on behalf of the enterprise; and

f. Hindering, obstructing, and preventing law enforcement officers from identifying participants in the enterprise's criminal activity; from apprehending the perpetrators of those crimes; and from successfully prosecuting and punishing the offenders.

#### Means and Methods of the Enterprise

21. The means and methods by which members and associates of the MS-13 enterprise conduct and participate in the conduct of the affairs of the enterprise include, but are not limited to, the following:

a. Members and associates of the enterprise attend regular meetings where gang membership, gang business, and criminal incidents are discussed; financial proceeds from criminal and other activity (including drug trafficking) are collected as "dues" to benefit the enterprise and its leaders and members; and disciplinary beatings of fellow MS-13 members are administered.

b. To enforce discipline within the enterprise, members and associates of the enterprise punish errant gang members and associates for violations of gang rules. Administration of such punishment is referred to as a "violation" and commonly involves a physical assault of the offending member or associate.

c. To generate income, MS-13 members and associates engage in illegal activities under the protection of the enterprise, including drug trafficking, robbery, extortion, and other illegal activities.

d. In order to commit or facilitate crimes, MS-13 members steal vehicles to provide transportation to and from crimes.

e. For protection, attacks, and armed combat, MS-13 members and associates acquire, share, carry, and use firearms.

f. Members and associates of the enterprise use gang-related terminology, symbols, phrases, and gestures to demonstrate affiliation with the gang.

g. Members and associates of the enterprise used cellphones and social media to communicate with one another and posted on social media websites, such as Facebook and Instagram, messages, comments, videos, and photographs referring to, among other things, shootings, firearms, and drug trafficking.

h. To perpetuate the enterprise and to maintain and extend their power, members and associates of the enterprise commit and conspire to commit acts involving murder, intimidation, and assault against individuals who pose a threat to the enterprise or jeopardize its operations, including rival gang members, MS-13 gang members and associates who have violated the gang's rules or otherwise shown disrespect to the gang, and witnesses to illegal activities of the enterprise.

i. Members and associates of the enterprise hide, misrepresent, conceal, and cause to be hidden, misrepresented, and concealed, the objectives of acts done in furtherance of the enterprise, and use coded language and other means of communication to avoid detection and apprehension by law enforcement authorities.

#### The Racketeering Conspiracy

22. Beginning on a date unknown, but since at least January 2014, and continuing up through and including the date of the filing of this Superseding Information, in the Middle District of Tennessee, and elsewhere, **OSCAR DELGADO FLORES, a/k/a "Flaco,"** along with



CARLOS OCHOA-MARTINEZ, a/k/a “Carlos Ochoa,” a/k/a “Carlos Martinez,” a/k/a “El Serio,” a/k/a “Cabeza,” JASON SANDOVAL, a/k/a “Jason Sandoval,” a/k/a “Jason Sandaval,” a/k/a “Cuervo,” a/k/a “Bin Laden,” JORGE FLORES, a/k/a “Peluche,” a/k/a “Peluchin,” JOSE PINEDA-CACERES, a/k/a “Demente,” a/k/a “Bimba,” a/k/a “Jose Pineda-Caceras,” GERSON SERRANO-RAMIREZ, a/k/a “Frijole,” FRANKLIN HERNANDEZ, a/k/a “Happy,” a/k/a “Fran,” LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” KEVIN TIDWELL, a/k/a “Miklo,” and others known and unknown, each being a person employed by and associated with the MS-13, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, did unlawfully and knowingly combine, conspire, confederate, and agree with each other, and others known and unknown, to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the MS-13 enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of:

a. multiple acts involving:

- (1) murder, chargeable under the following provisions of Tennessee state law: Tennessee Code Annotated, Sections 39-13-201, 39-13-202, 39-13-210(a)(1), 39-12-101, 39-12-103, 39-11-401, and 39-11-402;
- (2) kidnapping, chargeable under the following provisions of Tennessee state law: Tennessee Code Annotated, Sections 39-13-304(a)(1) and (a)(3), 39-12-101, 39-12-103, 39-11-401, and 39-11-402;
- (3) robbery, chargeable under the following provisions of Tennessee state law: Tennessee Code Annotated, Sections 39-13-401, 39-12-101, 39-12-103, 39-11-401, and 39-11-402; and



- (4) extortion, chargeable under the following provisions of Tennessee state law: Tennessee Code Annotated, Sections 39-14-112(a)(1), 39-12-101, 39-12-103, 39-11-401, and 39-11-402;
- b. multiple offenses involving drug trafficking, in violation of Title 21, United States Code, Sections 841 and 846; and
- c. multiple acts indictable under:
  - (1) Title 18, United States Code, Section 1512 (relating to tampering with a witness, victim, or informant);
  - (2) Title 18, United States Code, Section 1513 (relating to retaliating against a witness, victim, or an informant);
  - (3) Title 18, United States Code, Section 1951 (relating to interference with commerce by robbery or extortion); and
  - (4) Title 18, United States Code, Section 1952 (relating to racketeering).

23. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

#### Overt Acts

24. In furtherance of the racketeering conspiracy, and to achieve the object of the conspiracy, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** along with others known and unknown, committed and caused to be committed various acts within the Middle District of Tennessee, and elsewhere, including, but not limited to, the following:

- a. In or around September 2017, in Nashville, Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” and other members and associates of MS-13 conspired and agreed with each other and other members and associates of MS-13 to murder Y.H. and H.Z.

b. On or about September 24, 2017, in Nashville, Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” and another member and associate of MS-13 armed themselves with handguns to kill Y.H. and H.Z.

c. On or about September 24, 2017, in Nashville, Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** drove LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” and another member and associate of MS-13 to a location to kill Y.H. and H.Z.

d. On or about September 24, 2017, in Nashville, Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” and another member and associate of MS-13 murdered H.Z. by shooting him.

e. On or about September 24, 2017, in Nashville, Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” and another member and associate of MS-13 murdered Y.H. by shooting him to prevent him from becoming a potential witness to H.Z.’s murder.

f. In or around September 2017, in Nashville, Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** JORGE FLORES, a/k/a “Peluche,” a/k/a “Peluchin,” FRANKLIN HERNANDEZ, a/k/a “Happy,” a/k/a “Fran,” and LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” conspired and agreed with each other and other members and associates of MS-13 to murder A.L.

g. On or about September 24, 2017, in Nashville, Tennessee, JORGE FLORES, a/k/a “Peluche,” a/k/a “Peluchin,” and FRANKLIN HERNANDEZ, a/k/a “Happy,” a/k/a “Fran,” armed themselves with handguns to kill A.L.

h. On or about September 24, 2017, in Nashville, Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” and

other members and associates of MS-13 lured A.L. to a meeting with JORGE FLORES, a/k/a “Peluche,” a/k/a “Peluchin,” and FRANKLIN HERNANDEZ, a/k/a “Happy,” a/k/a “Fran,” knowing that A.L. would be murdered at the meeting.

i. On or about September 24, 2017, in Nashville, Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** JORGE FLORES, a/k/a “Peluche,” a/k/a “Peluchin,” FRANKLIN HERNANDEZ, a/k/a “Happy,” a/k/a “Fran,” LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” and other members and associates of MS-13 murdered A.L. by shooting him.

j. On or about September 24, 2017, in Nashville, Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** JORGE FLORES, a/k/a “Peluche,” a/k/a “Peluchin,” FRANKLIN HERNANDEZ, a/k/a “Happy,” a/k/a “Fran,” LUIS COLINDRES, a/k/a “Listo,” a/k/a “Joe,” and other members and associates of MS-13 burned a car with A.L.’s body in the trunk to destroy evidence of A.L.’s murder.

Special Sentencing Factors as to Count One

25. On or about September 24, 2017, in the Middle District of Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** along with others known and unknown, while aiding and abetting each other, did intentionally and with premeditation kill Y.H., in violation of Tennessee Code Annotated, Sections 39-13-202, 39-11-401, and 39-11-402.

26. On or about September 24, 2017, in the Middle District of Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** along with others known and unknown, while aiding and abetting each other, did intentionally and with premeditation kill H.Z., in violation of Tennessee Code Annotated, Sections 39-13-202, 39-11-401, and 39-11-402.

27. On or about September 24, 2017, in the Middle District of Tennessee, **OSCAR DELGADO FLORES, a/k/a “Flaco,”** along with others known and unknown, while aiding and

abetting each other, did intentionally and with premeditation kill A.L., in violation of Tennessee Code Annotated, Sections 39-13-202, 39-11-401, and 39-11-402.

All in violation of Title 18, United States Code, Section 1962(d).

MARK H. WILDASIN  
UNITED STATES ATTORNEY  
MIDDLE DISTRICT OF TENNESSEE

DAVID L. JAFFE  
CHIEF, ORGANIZED CRIME AND GANG SECTION  
U.S. DEPARTMENT OF JUSTICE

A handwritten signature in black ink, appearing to read 'A. Safeeullah', written in a cursive style.

AHMED A. SAFEEUULLAH  
ASSISTANT UNITED STATES ATTORNEY

MATTHEW K. HOFF  
TRIAL ATTORNEY  
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U.S. DEPARTMENT OF JUSTICE